



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/963,489	09/27/2001	Tetsuji Fuwa	110732	9315
25944 7590 09/12/2008 OLIFF & BERRIDGE, PLC P.O. BOX 320850 ALEXANDRIA, VA 22320-4850				
EXAMINER				
GORT, ELAINE L				
ART UNIT		PAPER NUMBER		
3687				
MAIL DATE		DELIVERY MODE		
09/12/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/963,489

Applicant(s)

FUWA, TETSUJI

Examiner

Elaine Gort

Art Unit

3687

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4 and 6-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4 and 6-9 is/are rejected.
- 7) ☒ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. **Claims 1, 4 and 6-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

Claim 1 recites the limitation "the product" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Husted (PERSONAL TECHNOLOGY CYBERSCENE Web sites convey best wishes Services provide all the material to design a card; The Atlanta Journal-constitution 1997) in view of Henson (US Patent 6,167,383).**

Husted discloses the claimed **method for selling, over a transmission network** (Husted discloses a method for selling personalized greeting cards over the Internet, see abstract paragraph), **products** (customized greeting cards) **that indicate a plurality of unique information** (greeting cards that are personalized contain a plurality of unique information, such as a special note, a picture, etc..), **the method comprising:**

receiving, at a server (Examiner construes that a server is inherent in order for the website "streetofshops.com", and other card sites mentioned in the article, to function) , **the plurality of unique information supplied from a client device across the transmission network to the server** (customer enters details regarding pictures for the card, message into their computer and fonts);

preparing, based on the plurality of unique information, a preview image of a product that indicates the plurality of unique information (customer is given a preview of their card before it is sent, which is prepared based on the unique information the customer inputs, such as using the text requested and a photo requested),

transmitting the prepared preview image to the client device(customer is given a preview of their card which they view on the customer's computer screen); **and**

displaying the preview image using a browser of the client device (customer's computer inherently uses a browser in order to view the website),

wherein the steps of preparing and displaying the preview image of the product are performed in real time response to all selected variations of the

plurality of unique information and characters input at the client device, (customer is provided a preview of the card when they design it, Examiner construes this to be in real time and in response to all selected variations the customer makes. For example the customer enters the pictures and text they want and can change them. customer inputs their customization via character inputs on their keyboard, such as text messages for the cards or the recipient's e-mail address)

but is silent regarding where all of the selected variations of the plurality of unique information and the characters input are capable of being selected on a single page of the browser of the client device and reflected in real time on the single page of the browser .

Henson teaches, for example in figure 4 that it is known in the art to provide a single webpage that allows a customer to select multiple variations of information (such as memory, hard drive, monitor, etc) and characters input (such as a check in a box to represent the storage products) that is selected on a single page of a browser of the clients device and reflected in real time on the single page of the browser (selections and inputs are reflected as a changed price in real time at the top of the webpage) to provide the customer convenience and allow the customer instant feedback on the final product. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the variations of features/customization capabilities and preview for greeting cards of Husted within one webpage as taught by Henson., in order provide customers with convenience for customizing and instant

feedback of what the final product would be like based on their selected changes to the card.

5. Claims 4, 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Husted (PERSONAL TECHNOLOGY CYBERSCENE Web sites convey best wishes Services provide all the material to design a card; The Atlanta Journal-constitution 1997) and Henson (US Patent 6,167,383), as modified above, and further in view of Cunningham (CorelDraw 9; Computing Canada, 1999).

Husted (PERSONAL TECHNOLOGY CYBERSCENE Web sites convey best wishes Services provide all the material to design a card; The Atlanta Journal-constitution 1997) and Henson, as modified above, discloses the claimed method but is silent regarding a plurality of preview images corresponding to different colors, sizes and different image types selectable for the product.

Cunningham discloses that it is known in the art of editing documents to provide users of customized formatting systems with a plurality of preview images corresponding to colors selectable for the product (Cunningham discusses multiple color palettes to be displayed that are selectable for products, see middle of page 2), a plurality of preview images corresponding to different sizes selectable for the product (such as via having preset zoom levels or fonts selectable for the product), and a plurality of preview images corresponding to different image types selectable for the

product (such as, for example seven 3D effects such as emboss, page curl, perspective, etc.... as discussed on page 2) to provide user added customizability and convenience. It would have been obvious to one having ordinary skill in the art of editing documents at the time the invention was made to provide the method of Husted (PERSONAL TECHNOLOGY CYBERSCENE Web sites convey best wishes Services provide all the material to design a card; The Atlanta Journal-constitution 1997) and Henson, as modified above, with the plurality of preview images corresponding to different, colors, sizes and different image types of Cunningham, in order to provide added customizability and convenience for users.

6. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Husted (PERSONAL TECHNOLOGY CYBERSCENE Web sites convey best wishes Services provide all the material to design a card; The Atlanta Journal-constitution 1997) in view of Henson (US Patent 6,167,383) and Examiner's Official Notice of Tracking Numbers.

Husted (PERSONAL TECHNOLOGY CYBERSCENE Web sites convey best wishes Services provide all the material to design a card; The Atlanta Journal-constitution 1997) and Henson, as modified above, discloses the claimed method but is silent regarding using tracking numbers for customer identification.

Examiner takes Official Notice that it is notoriously old and well known in the art of sales for customer orders to have tracking numbers that could be in any form, such as a purchase order, random number, confirmation number, customer name and date,

etc.... to provide a reference for both the customer and the seller to accurately identify the customer's specific order. It would have been obvious to one having ordinary skill in the art of editing documents at the time the invention was made to provide the method of Husted (PERSONAL TECHNOLOGY CYBERSCENE Web sites convey best wishes Services provide all the material to design a card; The Atlanta Journal-constitution 1997) and Henson, as modified above, with transaction tracking numbers as taught by Examiner's Official Notice in order to provide a reference for both the customer and the seller to accurately identify the customer's specific order.

Response to Arguments

7. Applicant's arguments with respect to claims 1, 4 and 6-9 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elaine Gort whose telephone number is 571/272-6781. The examiner can normally be reached on Monday and Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Gart can be reached on 571/272-3955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Elaine Gort/
Primary Examiner, Art Unit 3687

September 10, 2008